

PUBLIC HEARING – JULY 6, 2015

Mayor Grenier opened the duly scheduled and advertised public hearing at approximately 7:55 p.m. to review the following subject matter: Resolution 2015-18 Health Trust Membership. There being no one wishing to speak for or against the subject matter, Mayor Grenier declared the public hearing closed.

CITY COUNCIL MEETING – Monday, July 6, 2015

Mayor Grenier called the Regular City Council Meeting to order at approximately 7:56 p.m. in the City Hall Council Chambers. The pledge of allegiance to the flag preceded roll call. Present: Councilors Remillard, Otis, Morgan Allain, Gentili, Rozek, Nelson and Theberge. Councilor Higbee was absent. Also present City Manager Wheeler, Susan Tremblay, BESS Members, Corinne Cascadden and Barbara Tetreault.

Minutes, Previous Meeting

Councilor Remillard moved with a second by Councilor Morgan Allain to accept the minutes of the June 15 Regular Meeting/Work Session. So moved, the motion carried.

Disbursements: Disbursement Summary Draft #1743 start date 6/16/2015 end date 7/1/2015 for a total cash disbursement of \$1,257,531.78 (year end). Draft #1744 start date 7/2/2015 end date 7/6/2015 for a total cash disbursement of \$1,426,770.63 (new year). Councilor Theberge moved with a second by Councilor Nelson to accept year end/new year disbursement summaries and pay all bills as recommended by the Committee on Accounts/Claims. So moved, the motion carried.

PUBLIC COMMENTS

Berlin Education Support Staff (BESS) President, Debbie Dupuis, 121 Harding Street, said their first concern was that they were under the impression that the public was able to hear votes for contracts but at the June 1 work session it was discussed then on the June 8 meeting it was discussed in non-public and BESS members were present but no vote was done in public and then on June 15 it was shot down but again they were not given any information on what the vote was regarding the contract.

For clarification purposes, Mayor Grenier said that the Berlin Board of Education tentative agreement was brought to Council for a vote on the cost items on June 1. Council publicly voted unanimously against the cost items at that meeting and the minutes reflect that vote.

Ms. Dupuis continued that their second concern is that BESS members canceled their Obama Care because they were led to believe that everything was fine and at the last minute it wasn't so. This caused much hardship for members trying to get Obama Care back in place.

Mayor Grenier does not understand what the problem was. The vote was taken on June 1 and this is July 6. There was no misinformation because the Council clearly voted publicly against the proposed cost items. If members made changes on their own it is through no fault of the Council. The bargaining unit has not brought any subsequent agreement to continue to negotiate. Council's sole purpose is to approve or disapprove contract cost items. Ms. Dupuis needs to address her grievances with whoever negotiates on behalf of the Berlin Board of Education because the vote was very public. Mayor Grenier provided Ms. Dupuis with a copy of the June 1 City Council Meeting Minutes where the votes against the cost items were publicly recorded.

UNFINISHED BUSINESS

1. Council Committee Reports – No Reports.
2. Resolution 2015-18 authorizing the City Manager to execute an application and membership agreement in the Health Trust pooled risk management program for the provision of group medical benefit plans. (tabled 6/15/2015) Resolved by the City Council of the City of Berlin as follows:

Whereas, an agreement to participate in Health Trust is required by RSA 5-B; and
Whereas, the agreement sets forth the terms and conditions of membership in the Health Trust.
Now therefore, be it resolved by the City Council of the City of Berlin, NH, that the City of Berlin shall participate as a Member in the Health Trust pooled risk management program for the provision of group medical and/or other benefit plans in accordance with the "Application and Membership Agreement" and NH RSA 5-B; and be it further Resolved that James Wheeler, City Manager, is hereby authorized and directed to execute and deliver to Health Trust, on behalf of City of Berlin, the "Application and Membership Agreement" in substantially the form presented to this meeting; and be it further Resolved that Debra Patrick, City Clerk is hereby authorized and directed to execute and deliver to Health Trust a certificate of this resolution. This Resolution shall be in full force and effect from and after passage.

Councilor Nelson moved with a second by Councilor Morgan Allain to remove the resolution from the table at this time. So moved, the motion carried.

Councilor Nelson moved with a second by Councilor Morgan Allain to have the resolution read a second time by title only. So moved, the motion carried.

Councilor Nelson moved with a second by Councilor Morgan Allain to have the resolution read a third time by title only. So moved, the motion carried.

Councilor Nelson moved with a second by Councilor Morgan Allain to pass the resolution. So moved, the motion carried and Mayor Grenier declared the resolution now passed.

NEW BUSINESS

3. Resolution 2015-19 authorizing an application for a Northern Borders Regional Commission Grant in an amount up to Two Hundred Fifty Thousand Dollars (\$250,000.00). The purpose of the grant is to construct Phase One of the Riverwalk project along the Androscoggin River beginning at the Northern Forest Heritage Park and ending at the Berlin Mills Pedestrian Bridge. (1st read)

Councilor Remillard moved with a second by Councilor Otis to table the resolution and schedule a public hearing on July 20. So moved, the motion carried.

4. Northern Forest Heritage Park Purchase

A purchase and sales agreement between The Tri-County Community Action Program (seller) and the City of Berlin (buyer) was signed on June 30, 2015 for the for the purchase of the Northern Forest Heritage Park in the amount of \$75,000.

Councilor Remillard moved with a second by Councilor Otis to accept contents of the purchase and sales agreement conditional and subject to the review of exhibits a & b; a list of content to be included in the purchase and sale; a review of the deed to see if there are any right-of-ways which are currently used. Mayor Grenier explained that this vote is to accept the purchase and sales agreement only and is subject to a final review of the unanswered questions. The City Charter is clear that when money is allocated for specific capital funds, any change needs a 2/3 vote to spend money from one area to another. Tonight Council is not voting on the final funds but just the purchase and sale agreement. So moved, the motion carried.

5. City Manager's Report

1. Edrest Properties (Jonathan Edwards) has been ordered to appear in court for a hearing to be held July 29, 2015 at 11:30 a.m. in the Berlin Court. This stems from the judgement of 8/15/2013 where Mr. Edwards was ordered to pay \$3,817.14 to the City.
2. The Child Advocacy Center has partnered with the Berlin PD and Gold House Pizza to help raise awareness of Child Abuse Prevention. On Monday July 13 pizza from Gold House will be delivered by the Berlin Police to raise awareness and to generate tips/donations which will be donated to the Child Advocacy Center.
3. North Country Council's Draft 2015 Transportation Plan is available at <https://drive.google.com/file/d/0BxYcWmWiu4GtdVB6ZkJWc080VW8/view>. Planned Improvements and Priorities listed in the Transportation Plan are attached.

4. The City opened bids for Asbestos Abatement of 32 Corbin St, 79 Seventh St, 108 High St., and 466 Burgess St. The low bid was from EnviroVantage of Epping, NH with a bid of \$33,550. The bid sheet is attached.
5. There were 23 Properties were taken by Tax Deed on May 8, 2015 which included the following profile: 5 Land only; 11 Single Family Homes; 6 Multi-Family Properties; 1 Commercial Property. As of 7/6/15, 3 single family homes were repurchased. The number of projected demolitions includes 4 single family homes & all 6 multi-family properties.
6. The Public Works Department has been utilizing a night crew to complete annual street markings. This work is projected to require less effort this week. Employee resources are planned to be re-directed to pothole and street repairs later this week.
7. Under cover letter dated June 19, 2015 the City Finance Department received notification from the State Department of Safety Division of Motor Vehicles of the results of the City's annual DMV Audit. The audit finds the City to be compliance with DMV standards. A copy of the audit report is attached.
8. In recent BTLA decisions regarding cases between the NHEC and Public Service and multiple municipalities the BTLA held that State utility values produced for purposes of RSA 83F are not produced for the purposes of municipal valuation. Rather it upholds each community's authority under NH law to produce its own valuations of utilities using accepted valuation methods. These decisions support the NHMA stance (including the City of Berlin) that 83F values should not be allowed as evidence in tax abatement cases.
9. HB 547 (Pole Tax Bill) and HB 192 (Use of DRA Valuation Bill) both essentially died during the legislative session. A committee of the Assessing Standards Board is currently studying both bills with the intent of issuing a report for use by the Legislature in the next session.

Councilor Rozek moved with a second by Councilor Morgan Allain to accept the City Manager's Report and place it on file. So moved, the motion carried.

Councilor Remillard requested that when the PWD paints the lines, they check Bob's Market to be sure the crosswalks and stop lines are painted in that area.

Councilor Theberge asked about item #5 and what commercial building was up for sale? The City Manager replied that is the radio tower on cates hill. After due diligence, the taxes were paid.

Mayor Grenier commented that the BTLA decision for the NH CO-OP class action might make HB 192 moot and it may be beneficial to have it in law. The City Manager concurred.

6. Mayor's Report

Mayor Grenier reported that City Manager Wheeler was appointed to the NH Assessing Standards Board. Jim will represent communities with greater than 3,000 in population and will be working with Columbia Selectman Eric Stohl giving Coos County two great representatives. Councilor Rozek moved with a second by Morgan Allain to accept the Mayor's Report and place it on file. So moved, the motion carried.

7. Public Comments – No comments

8. Council Comments - No comments

9. Adjournment: There being no further business before the Mayor and Council, Councilor Rozek moved with a second by Councilor Nelson to adjourn the regular meeting. So moved, the motion carried and Mayor Grenier declared the regular meeting closed at approximately 8:22 p.m.

A True Record, Attest:
Debra A. Patrick, CMC